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UNITED NATIONS DECADE OF INTERNATIONAL LAW: ACTION TO BE TAKEN IN 1999 DEDICATED TO THE CENTENNIAL OF THE FIRST INTERNATIONAL PEACE CONFERENCE AND TO THE CLOSING OF THE UNITED NATIONS DECADE OF INTERNATIONAL LAW

Letter dated 6 October 1997 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General

Please find enclosed the programme of action for the celebration of the centennial of the first International Peace Conference, as drawn up pursuant to General Assembly resolution 51/159 of 16 December 1996.

It is requested that the programme of action be distributed as an official document of the General Assembly, under agenda item 146 (b).

(Signed) Jaap RAMAKER
Permanent Representative

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ANNEX

Programme of action for the celebration of the centennial of the first International Peace Conference

1. Introduction

1.1 Historical background

1. At 2 p.m., on 18 May 1999, it will be exactly 100 years ago since, at the invitation of Czar Nicholas II of Russia and Queen Wilhelmina of the Netherlands, the first Hague Peace Conference was called to order, ushering in the age of multilateral diplomacy and codification of international law.

2. The Conference ended on 29 July 1899 with the signing of:

- the Final Act of the Conference;
- the Convention on the Peaceful Settlement of International Disputes;
- the Convention Respecting the Laws and Customs of War on Land;
- the Convention on the Application of the Principles of the 1864 Geneva Convention to Naval Warfare;

and the adoption of:

- the Declaration concerning the Prohibition of Launching Projectiles and Explosives from Balloons;
- the Declaration concerning the Prohibition of the Use of Asphyxiating Gases; and
- the Declaration concerning the Prohibition of the Use of Expanding Bullets.

3. It will be noted that these topics have been further developed in the course of the last 100 years. For most, special forums have been set up and they must be credited with significant successes. It is the view of the Netherlands and Russian co-hosts that the successes of these forums are to be ranked among the greatest achievements of multilateral diplomacy in the last century. The first International Peace Conference of 1899 marked the beginning of this trend and, 100 years later, may serve as a reminder of the common origins of today's diversity and achievements of multilateral diplomacy. For that reason, the centennial celebrations should not interfere with, but rather take note with satisfaction of the current activities of all those international forums to which the first International Peace Conference gave rise.

4. During the fiftieth session of the United Nations General Assembly, the Russian Federation proposed that Member States assemble once again, after 100 years, to review the results of this century-old initiative. At the same time the Government of the Kingdom of the Netherlands had started consultations about the ways and means of commemorating the 1899 Peace Conference.

5. In General Assembly resolution 51/159 of 16 December 1996, entitled "Action to be taken in 1999 dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law, the Russian Federation and the Netherlands were invited:

> "to arrange, as a matter of urgency, a preliminary discussion with other interested Member States on the substantive content of action to be taken in 1999 and to seek, in this respect, the cooperation of the International Court of Justice, the Permanent Court of Arbitration, relevant intergovernmental organizations, as well as other relevant organizations".

The present programme of action was drafted in consultation with these "Friends of 1999".

1.2 Hague themes: essential rules of international law

6. The 1899 Conventions and Declarations were negotiated in three Commissions, dealing with the three main themes on the agenda:

(a) The armament question;

(b) Humanitarian law and the laws and customs of war;

(c) The peaceful settlement of international disputes.

These themes will again feature on the agenda of the 1999 celebration of the centennial of the first Hague Peace Conference.

2. Format

2.1 Umbrella: a year of activities focusing on the Hague themes

7. The year 1999 is a special one from the point of view of international law in general, and the Hague law in particular. It marks not only the centennial of the 1899 Hague Peace Conference and the resulting Conventions and Declarations, but also the fiftieth anniversary of the four Geneva Conventions for the protection of victims of war of 1949 and the closure of the United Nations Decade of International Law. The year 1999 will also see the twenty-seventh International Conference of the Red Cross and the Red Crescent. In addition, events will take place all over the world in relation to the turn of the millennium, with a possible link to the 1899 Hague Peace Conference or any of its themes. Although such activities can only be applauded, the 1999 activities as envisaged in General Assembly

resolution 51/159, will focus on the well-defined relationship with the themes and events mentioned above.

8. Consequently, during the latter part of 1998 and the whole of 1999, the following types of activities are scheduled for the final year of the United Nations Decade of International Law.

(a) The celebration of the centennial of the 1899 International Peace Conference itself and its report to the General Assembly of the United Nations and to the other forums considering "1899 themes" (The Hague and St. Petersburg);

(b) Activities in other forums connected with the outcome of the 1899 Peace Conference, such as the closure of the United Nations Decade of International Law (New York), the twenty-seventh International Conference of the Red Cross and the Red Crescent (Geneva), the possible revision of the 1954 Cultural Property Convention and the establishment of an International Criminal Court;

(c) Activities at the appropriate level (academics, senior civil servants and military/peacekeeping officials, legal professionals, the judiciary, international affairs publicists, etc.), such as regional meetings of national branches of the International Law Association and the equivalent forums for military and peacekeeping experts in preparation for the 1999 centennial celebrations at international, regional and national levels.

9. Each of these forums might be invited to report on the outcome of their deliberations on the Hague themes. The starting point for this string of events will be expert reports.

10. Under the umbrella of the United Nations Decade of International Law, the 1998-1999 international agenda will contain sustained discussions focusing on the Hague themes, starting from the conclusions of the rapporteurs on each of the themes, followed by their discussion at expert level in various regional meetings, finalized at expert level during celebratory events at The Hague and St. Petersburg, to be submitted to the political level at the fifty-fourth session of the General Assembly of the United Nations and possibly at the twenty-seventh International Conference of the Red Cross and the Red Crescent. Discussions might highlight points of substance as well as procedural points regarding enhanced adherence to the rules of international law and their implementation at the various levels.

2.2 Starting point: rapporteurs

11. In line with the annex to General Assembly resolution 51/157, "Programme for the activities for the final term (1997-1999) of the United Nations Decade of International Law", rapporteurs of major international standing have been invited to study the relevant developments of the Hague themes and to formulate views on their further developments in the next century and on the challenges for future generations, to be presented at

the 1999 centennial events. In order to stimulate a meaningful yet concise debate, these studies would have to be presented well before the fifty-third session of the General Assembly of the United Nations (spring/summer 1998). This would allow for regional discussions on the reports in the run-up to the meetings at The Hague and St. Petersburg.

3. Venues

3.1 The Hague

12. At The Hague, the commemoration of the 1899 Conference will feature discussions at the level of legal advisers of the Ministries of Foreign Affairs of all States, focusing on legal/normative perspectives of Hague law with a view to putting forward recommendations to the appropriate international forums for further development within their respective spheres of competence. Surely no more suitable venue could be found for the commemoration of the establishment of the Permanent Court of Arbitration than that bastion of international justice, the Peace Palace in The Hague, purpose-built to house the Bureau of the Permanent Court of Arbitration and now also the seat of the International Court of Justice and the Hague Academy of International Law.

3.2 St. Petersburg

13. Likewise, at St. Petersburg, the 1899 commemorations will close with a second centennial conference in the summer of 1999, focusing on issues regarding the implementation of international law, as developed from the 1899 Hague Conventions and Declarations.

3.3 New York and Geneva

14. As mentioned above, the United Nations Decade of International Law will close during the fifty-fourth session of the General Assembly in New York. The celebrations of the fiftieth anniversary of the 1949 Geneva Conventions for the protection of victims of war and the twenty-seventh International Conference of the Red Cross and the Red Crescent will be held at Geneva in August and November of 1999 respectively.

3.4 Regional activities

15. In the months preceding the May 1999 centennial celebrations the initial reports will be discussed on a regional basis, as mentioned above, in order to finalize discussions on the Hague themes at the expert level during the events at The Hague and St. Petersburg. These regional discussions should guarantee the participation of all countries and of many sectors of society. The Friends of 1999, in particular, will be called upon to initiate and coordinate[1] these discussions.

4. Logistics and coordination

4.1 Funding

16. The remuneration for the rapporteurs and the organizational costs of the events at The Hague and St. Petersburg will not be funded by the United Nations.

17. The activities in the scheduled forums will undoubtedly have been provided for by the appropriate organizations and participating States, as will be the various preparatory regional meetings. The only extra financial resources necessary will be voluntary contributions to ensure the attendance of experts from the least developed countries. An appeal to developed States to contribute voluntarily to the participation of representatives from developing States is included in the General Assembly resolution.

18. Scheduling regional events in the run-up to the centennial celebrations could facilitate universal participation in the 1999 discussions. The use of new technologies to allow the distribution of and comments on 1999 documents could serve to reduce costs, while at the same time ensuring widespread participation.

4.2 Dates

19. The most suitable dates for the celebration at The Hague of the centennial of the 1899 Peace Conference are 17 to 19 May 1999. On Monday, 17 May, the eve of its one hundredth anniversary, the Permanent Court of Arbitration will hold celebratory sessions for its members (arbitrators, members of the national groups) and the States parties to the first 1899/1907 Hague Conventions. The formal opening session of the 1999 centennial International Peace Conference would be convened on Tuesday, 18 May 1999, as it was in 1899. Monday and Tuesday, 18 and 19 May, would then be dedicated to the consideration of each of the reports and the comments made, with a view to reporting to the United Nations General Assembly at its fifty-fourth session, the twenty-seventh International Conference of the Red Cross and the Red Crescent and to other relevant international forums.

20. The schedule might include a celebratory event hosted by Her Majesty Queen Beatrix of the Netherlands. The grandmother of Queen Beatrix, Queen Wilhelmina, hosted the 1899 Conference in Huis ten Bosch Palace at The Hague (the Peace Palace was only opened on 28 August 1913).[2] The strong commitment of the Dutch Royal Family to the 1899 Peace Conference and to everything it has given rise to over the past century is generally known.

21. The St. Petersburg event will be scheduled in the summer of 1999. Preparations are presently being undertaken by the competent Russian national and local authorities.

4.3 "Friends of the 1999 centennial"

22. In line with the requirements of resolution 51/159, a special platform was set up, "Friends of the centennial of the first International Peace Conference", or "Friends of 1999", under the combined chairmanship of the Russian Federation and the Netherlands. Bearing in mind the principle of equitable geographical distribution, interested States were invited to join in the preparation of the 1999 conferences: Austria, Denmark, Poland, Switzerland and Ukraine from Europe; Egypt, Ghana, Senegal and South Africa from Africa; Brazil, Mexico, Nicaragua and Trinidad and Tobago from the Americas; India, Indonesia, Malaysia and Thailand from Asia; and Australia from Oceania. The first meeting of the Friends of 1999 was convened at the Peace Palace on 22 April 1997.

23. Interested international governmental organizations include the Permanent Court of Arbitration, the United Nations and the International Court of Justice. The International Committee of the Red Cross is also included among the Friends of 1999. The group might be expanded to include the International Tribunals for the former Yugoslavia and for Rwanda, the International Atomic Energy Agency (IAEA), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Organization for the Prohibition of Chemical Weapons (OPCW). All of these are involved in the implementation of parts of international law relating to one of the Hague themes.

24. The Friends of 1999 also include the coordinator of non-governmental organization (NGO) activities in connection with the centennial celebrations.

4.4 The Hague Appeal for Peace

25. As they did 100 years ago, NGOs will actively seize the opportunity of the 1999 Peace Conference to express their commitment to the causes that will be addressed during the centennial discussions. NGOs might focus on any of the Hague themes from their own perspective. A sustained publicity drive in the regional and international run-up to and during the official celebrations will offer a suitable platform for NGOs to argue their respective cases before the ears, pens, microphones and lenses of world opinion. More specifically, in line with the resolutions referred to above, the work of NGOs to mobilize public opinion will be invaluable during the regional sessions and seminars in preparation for the 1999 conferences, as will be their expert knowledge on the subject matter. They will be given a platform if only because of the most famous phrases of the 1899 Conference: the "De Martens Clause" in the preamble to the 1899 Hague Convention respecting the Laws and Customs of War on Land:

> "Until a more complete code of the laws of war has been issued, the High Contracting Parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages

established among civilized peoples, from the laws of humanity, and the dictates of the public conscience".

4.5 Exchange of documents and widespread participation

26. It is proposed to set up an Internet site for the exchange of views and documents regarding the 1999 celebrations. This is in line with the new methods of promoting compliance with and implementation of international law, as endorsed in the relevant resolutions of the General Assembly.[3] In this way, participants from all over the world will be able to take note of the views of other experts and, in reply, express their own views on any of the Hague themes. Moreover, documentation will be concentrated and available to all interested parties, without the need for expensive printing and mailing. Finally, after the closure of the centennial celebrations, or even the closure of the United Nations Decade of International Law, the Internet site could be used as the source for the publication of the "1999 Proceedings", which may serve as guidelines for further elaboration of the results of the 1999 events in the early years of the next millennium.

Notes

[1] Regional Coordinators to be appointed by the organizers of regional or national "1999 events" to report the results of regional discussions to the Centennial Executive Secretariat for processing and distribution.

[2] See Arthur Eyffringer, The Peace Palace: residence for justice - domicile of learning, published by the Carnegie Foundation, The Hague, to mark the seventy-fifth anniversary of the Peace Palace.

[3] Notably General Assembly resolution 51/157.